

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, the District of Columbia Administrative Procedure Act to codify agency deference and clarify that a reviewing court or tribunal shall defer to an agency’s reasonable interpretation of a statute or regulation it administers so long as that interpretation is not plainly wrong, inconsistent with the statutory or regulatory language or legislature’s intent, or otherwise arbitrary or capricious.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Review of Agency Action Clarification Emergency Amendment Act of 2024”.

Sec. 2. Section 110 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1209; D.C. Official Code § 2-510), is amended as follows:

(a) Subsection (a)(1) is amended by striking the phrase “So far as necessary” and inserting the phrase “Subject to subsection (c) of this section and so far as necessary” in its place.

(b) A new subsection (c) is added to read as follows:

“(c) In reviewing an order or decision of the Mayor or an agency in any court or administrative proceeding, including but not limited to proceedings under subsection (a) of this section, the reviewing tribunal shall defer to the Mayor or agency’s reasonable interpretation of a statute or regulation it administers, provided that the interpretation is not plainly wrong, or inconsistent with the statutory or regulatory language or the legislature’s intent.”.

Sec. 3. Fiscal impact.

33 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact
34 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
35 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

36 Sec. 4. Effective date.

37 This act shall take effect following approval by the Mayor (or in the event of veto by the
38 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
39 90 days, as provided for emergency acts of the Council of the District of Columbia in section
40 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
41 D.C. Official Code § 1-204.12(a)).